

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD BRODSKY,)	
)	
Petitioner,)	No. C 08-1574 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
BEN CURRY, Warden,)	
)	
Respondent.)	
_____)	

Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the California Board of Parole Hearings' ("BPH") November 6, 2006 decision finding him not suitable for parole on his 15 years to life sentence for conspiracy to commit murder.

Because the BPH subsequently found petitioner suitable for parole, and because petitioner has now been released on parole, the petition for a writ of habeas corpus is DISMISSED as moot. See Fendler v. United States Bureau of Prisons, 846 F.2d 550, 555 (9th Cir. 1988) (habeas challenge to denial of parole will become moot if petitioner is released on parole before court considers petition); see also Burnett v. Lampert, 432 F.3d 996, 999-1001 (9th Cir. 2005)

1 (finding habeas petition still moot after petitioner violated parole and was
2 reincarcerated).

3 The clerk shall enter judgment in accordance with this order and close the
4 file.

5 SO ORDERED.

6 DATED: Dec. 4, 2009

7 
8 _____
9 CHARLES R. BREYER
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26